

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

September 20, 2019
ECO-046

No. 19-3149

In Re: Thrivest Specialty Funding, LLC,
Petitioner

(Related to E.D. Pa. No. 2-12-md-02323)

Present: SMITH, CHAGARES and BIBAS , Circuit Judges

1. Petition for Writ of Mandamus filed by Petitioner Thrivest Specialty Funding, LLC;
2. Claims Administrator's Answer to Petition for Writ Mandamus;
3. Answer to Petition for Writ of Mandamus by Class Counsel
4. Petitioner's Reply to Answers to the Petition for Writ of Mandamus.
5. Motion for Leave to Intervene by Class Member William E. White to File Response to Petition for Writ of Mandamus with Response.
6. Petitioner's Response in Opposition to Motion for Leave to Intervene.

Respectfully,
Clerk/sb

ORDER

Upon consideration of Thrivest Specialty Funding, LLC's petition for a writ of mandamus, we deny the petition without prejudice. Particularly in light of the District Court's Notice issued September 27, 2019, we are confident that the District Court's oversight of the settlement is faithfully adhering to this Court's ruling in *In re: National Football League Players' Concussion Injury Litigation*, 923 F.3d 96 (3d Cir. 2019). Any further concerns should first be raised with the District Court by motion. Thrivest is free to appeal the denial of a motion in due course or to re-file a petition with this Court. Because we decline to issue the writ, we also deny class member White's motion to intervene as moot.

By the Court,

s/ Stephanos Bibas
Circuit Judge

Dated: October 31, 2019
Sb/cc: All Counsel of Record



A True Copy:

A handwritten signature in cursive script, reading "Patricia S. Dodszeuweit".

Patricia S. Dodszeuweit, Clerk